

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES

CRIMINAL ACTION

v.

KENNETH SMUKLER

NO. 17-563-02

ORDER

AND NOW, this 12th day of April, 2018, upon consideration of defendant Kenneth Smukler's letter dated April 11, 2018,¹ through counsel, in response to the Court's request at defendant's arraignment on April 5, 2018, for an update with respect to four pending motions,²

IT IS ORDERED AS FOLLOWS:

1. Defendant Kenneth Smukler's Motion to Dismiss Count II Under the Statute of Limitations (Document No. 40, filed February 2, 2018) is **MARKED WITHDRAWN WITHOUT PREJUDICE**. Defendant shall refile the Motion to Dismiss Count II Under the Statute of Limitations with updated citations to the Superseding Indictment on or before May 11, 2018.
2. Defendant Kenneth Smukler's Motion for a Bill of Particulars to Identify Unnamed Co-Conspirators (Document No. 41, filed February 2, 2018) is **MARKED WITHDRAWN WITHOUT PREJUDICE** to defendant's right to file a renewed Motion for a Bill of Particulars on or before May 11, 2018.
3. Defendant Kenneth Smukler's Motion to Dismiss Counts III, IV, and V for Failure to

¹ A copy of the letter shall be docketed by the Deputy Clerk.

² A fifth Motion is pending before the Court—Defendant Kenneth Smukler's Motion to Dismiss the Indictment for Vindictive Prosecution (Document 45, filed February 2, 2018). This Order does not apply to that Motion. The parties shall proceed in accordance with the Order dated April 4, 2018, with respect to that Motion.

Allege that Mr. Smukler Willfully Caused Any False FEC Filings (Document No. 42, filed February 2, 2018), is **MARKED WITHDRAWN WITHOUT PREJUDICE** to defendant's right to file an updated Motion on or before May 11, 2018.

4. Defendant Kenneth Smukler's Motion to Dismiss the Indictment for Failure to Allege "Contributions" Under the Election Act (Document NO. 43, filed February 2, 2018), is **MARKED WITHDRAWN WITHOUT PREJUDICE** to defendant's right to file an updated Motion on or before May 11, 2018.

5. In accordance with the Order dated April 4, 2018, the Government shall file and serve responses to any such motions within two (2) weeks of service of copies of the motions, but in no event later than May 25, 2018.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.